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Attorneys for Defendant  
SUNPOWER CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KENNETH BRISTOW, Individually and On ) CASE NO.: 3:16-cv-04710-RS  
Behalf of All Others Similarly Situated, )  
Plaintiff, )  
v. )  
SUNPOWER CORPORATION, THOMAS H. )  
WERNER, and CHARLES D. BOYNTON, )  
Defendants. )  
\_\_\_\_\_  
JAY PATEL, Individually and On Behalf of All ) CASE NO.: 3:16-cv-04915-WHO  
Others Similarly Situated, )  
Plaintiff, )  
v. )  
SUNPOWER CORPORATION, THOMAS H. )  
WERNER, and CHARLES D. BOYNTON, )  
Defendants. )  
\_\_\_\_\_

STIPULATION RE ADMIN. MOTION TO CONSIDER  
WHETHER CASES SHOULD BE RELATED (CIV. L. R.  
3-12)

CASE Nos. 16-cv-04710-RS, 16-cv-04915-WHO,  
16-cv-05312-NC, 16-cv-05381-NC

1 BERNARD STERN, derivatively on behalf of ) CASE NO.: 3:16-cv-05312-NC  
2 SUNPOWER CORPORATION, )  
3 Plaintiff, )  
4 v. )  
5 THOMAS H. WERNER, CHARLES D. )  
6 BOYNTON, ARNAUD CHAPERON, )  
7 BERNARD CLÉMENT, DENIS GIORNO, )  
8 DANIEL LAURÉ, CATHERINE LESJAK, )  
9 THOMAS R. MCDANIEL, HUMBERT DE )  
10 WENDEL, and PAT WOOD, III, )  
11 Defendants, )  
12 and )  
13 SUNPOWER CORPORATION, )  
14 Nominal Defendant. )  
15 \_\_\_\_\_ )  
16 PETER MOSCONE, Derivatively on Behalf of ) CASE NO.: 3:16-cv-05381-NC  
17 Nominal Defendant SUNPOWER )  
18 CORPORATION, )  
19 Plaintiff, )  
20 v. )  
21 BERNARD CLÉMENT, DENIS GIORNO, )  
22 CATHERINE LESJAK, ARNAUD )  
23 CHAPERON, DANIEL LAURÉ, PAT WOOD )  
24 III, THOMAS R. MCDANIEL, HUMBERT DE )  
25 WENDEL, and THOMAS H. WERNER, )  
26 Defendants, )  
27 and )  
28 SUNPOWER CORPORATION, a Delaware )  
29 Corporation, )  
30 Nominal Defendant. )  
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39 STIPULATION RE ADMIN. MOTION TO CONSIDER  
40 WHETHER CASES SHOULD BE RELATED (CIV. L. R.  
41 3-12)  
42 CASE NOS. 16-cv-04710-RS, 16-cv-04915-WHO,  
43 16-cv-05312-NC, 16-cv-05381-NC

1           WHEREAS, there are two shareholder class actions and two shareholder derivative  
 2 actions pending in the U.S. District Court for the Northern District of California and arising out  
 3 of a common set of facts, as set forth below:

4	<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
5	<i>Bristow v. SunPower Corp., et al.</i>	Case No. 16-cv-04710-RS	Aug. 16, 2016
6	<i>Patel v. SunPower Corp., et al.</i>	Case No. 16-cv-04915-WHO	Aug. 26, 2016
7	<i>Stern v. Werner, et al.</i>	Case No. 16-cv-05312-NC	Sept. 16, 2016
8	<i>Moscone v. Clement, et al.</i>	Case No. 16-cv-05381-NC	Sept. 20, 2016

9           WHEREAS, pursuant to Civil Local Rule 3-12, defendant SunPower Corporation has  
 10 filed concurrently herewith an administrative motion to consider whether the *Patel*, *Stern*, and  
 11 *Moscone* actions should be deemed related to the previously filed *Bristow* action and reassigned  
 12 to the Honorable Richard Seeborg;

13           WHEREAS, the *Bristow*, *Patel*, *Stern*, and *Moscone* actions arise from substantially  
 14 similar facts and circumstances;

15           WHEREAS, it appears likely that there will be an unduly burdensome duplication of  
 16 labor and expense or conflicting results if these cases are conducted before different judges;

17           WHEREAS, defendants have not yet responded to the complaints in any of these actions;

18           NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among  
 19 counsel for the undersigned parties, subject to approval of the Court, that the *Patel*, *Stern*, and  
 20 *Moscone* actions should be deemed related to the first-filed *Bristow* action and reassigned to the  
 21 Honorable Richard Seeborg.

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1 Dated: October 13, 2016

WILSON SONSINI GOODRICH & ROSATI  
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By: /s/ Steven M. Schatz  
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10 Dated: October 13, 2016

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STIPULATION RE ADMIN. MOTION TO CONSIDER  
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3-12)  
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16-cv-05312-NC, 16-cv-05381-NC

1 Dated: October 13, 2016

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER  
WHETHER CASES SHOULD BE RELATED (CIV. L. R.  
3-12)  
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16-cv-05312-NC, 16-cv-05381-NC

1 Dated: October 13, 2016

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18 *Attorneys for Plaintiff Peter Moscone*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED  
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3 DATED: 10/14/16

  
The Honorable Richard Seeger  
United States District Judge

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER -5-  
WHETHER CASES SHOULD BE RELATED (CIV. L. R.  
3-12)  
CASE NOS. 16-cv-04710-RS, 16-cv-04915-WHO,  
16-cv-05312-NC, 16-cv-05381-NC

1 I, Diane M. Walters, am the ECF user whose ID and password are being used to file this  
2 STIPULATION AND [PROPOSED] ORDER IN SUPPORT OF ADMINISTRATIVE  
3 MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with  
4 Civil Local Rule 5-1(i)(3), I hereby attest that Steven M. Schatz, Lesley F. Portnoy, J. Alexander  
5 Hood II, Evan J. Smith, and Avi N. Wagner have concurred in this filing.

6

7 Dated: October 13, 2016

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER  
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